

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse § AGREED
License Number 582507 §
issued to CAROLYN LORRAINE GIBBS § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CAROLYN LORRAINE GIBBS, Registered Nurse License Number 582507, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 16, 2006, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Midwestern State University, Wichita Falls, Texas, in May 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.
5. Respondent's nursing employment history includes:

08/1992 - 10/1994	Staff Nurse	Hamilton General Hospital Hamilton, Texas
-------------------	-------------	--

Respondent's nursing employment history continued:

08/1992 - 09/1995	Staff Nurse	Wichita General Hospital Wichita Falls, Texas
10/1994 - 12/1998	Staff Nurse	Wichita Falls State Hospital Wichita Falls, Texas
01/1999 - 03/1999	Unknown	
04/1999 - 03/2000	Staff Nurse	United Regional Health Care System Wichita Falls, Texas
04/2000 - 07/2000	Unknown	
08/2000 - 01/2006	Charge Nurse	Faith Community Hospital Jacksboro, Texas
02/2006 - 04/2006	Interim Director of Nurses	Faith Community Hospital Jacksboro, Texas
05/2006 - Present	Director of Nurses	Faith Community Hospital Jacksboro, Texas

6. On or about January 18, 2001, Respondent's license to practice professional nursing in the State of Texas was issued the sanction of Reprimand with Stipulations through an Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order dated January 18, 2001, is attached and incorporated herein by reference as part of this Order.
7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as a Charge Nurse with Faith Community Hospital, Jacksboro, Texas, and had been in this position for four (4) years and six (6) months.
8. On or about February 3, 2005, while employed as a Charge Nurse with Faith Community Hospital, Jacksboro, Texas, Respondent failed to notify the physician that Patient Number 127038 continued to complain of being short of breath and had developed new onset of wheezes in all lobes with increased anxiety. Instead, Respondent exceeded her Board authorized scope of practice as a registered nurse and documented an unauthorized physician's order in the medical record to administer Ativan 1 mg Intravenous Push to the patient. Respondent then communicated the false order to a staff vocational nurse, who administered the medication in the belief that Respondent had obtained a valid order from the physician. Ativan is a medication that is used cautiously in patients with respiratory impairments because it has strong sedative properties and depressant effects on the

respiratory system, and which includes instructions to assess and monitor patients' respirations before, and every five (5) to fifteen (15) minutes after, intravenous administration. Respondent failed to ensure that the patient's respiratory rate was adequately assessed. Four (4) hours later, the patient was found by the oncoming shift to be suffering from progressed respiratory distress which required immediate and emergent intubation and transfer to the Intensive Care Unit. Four (4) days later, the patient was discharged to her home, under the care of hospice, where she died later that afternoon. Respondent's conduct was deceptive and may have contributed to the patient suffering the effects of progressed respiratory distress, as well as to her demise later.

9. In response to the incident in Finding of Fact Number Eight (8), Respondent states that her actions were based upon earlier comments made by the physician in which he stated that if the oral anxiolytic medication that he was ordering was not effective, that he would "go up from there" in the anxiolytic family, and that she interpreted this comment to authorize her to change the medication being administered as well as to alter the route of administration from oral to intravenous. Although the physician refused to sign the order Respondent documented in the medical record, Respondent states that at the time she documented the order that she believed her actions were authorized by the physician and therefore denies that she intended to falsify the medical record and/or deceive facility staff.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(D) and 217.12(1)(C), (1)(D),(4),(6)(A)&(10)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 582507, heretofore issued to CAROLYN LORRAINE GIBBS, including revocation of Respondent's license to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 582507, previously issued to CAROLYN LORRAINE GIBBS, to practice professional nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to CAROLYN LORRAINE GIBBS, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-

approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall

indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by

the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(6) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in pharmacology. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study course and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. The six (6) hours may not be configured to include homework assignments. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on: all of the major drug classifications and their physiological and therapeutic effects; dosages and administration; precautions; contraindications; and nursing implications. Courses focusing on only one (1) or two (2) groups of drugs, or relating to only one (1) clinical area of practice, will not be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(7) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(8) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be

taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(9) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars (\$1000.00). RESPONDENT SHALL pay this fine within ninety (90) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(10) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order

of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(11) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(12) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(13) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent

is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(14) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3 day of January, 2007.

Carolyn Lorraine Gibbs
CAROLYN LORRAINE GIBBS, Respondent

Sworn to and subscribed before me this 3rd day of Jan, 2007.

SEAL

Carol J. Leach

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of January, 2007, by CAROLYN LORRAINE GIBBS, Registered Nurse License Number 582507, and said Order is final.

Effective this 13th day of February, 2007.



Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 582507 § AGREED
issued to CAROLYN LORRAINE GIBBS § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CAROLYN LORRAINE GIBBS, License Number 582507, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended. Respondent waived notice and hearing, and agreed to the entry of this Order offered on December 20, 2000, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Baccalaureate Degree in Nursing from Midwestern State University, Wichita Falls, Texas in May 1992. Respondent was licensed to practice professional nursing in the State of Texas in August 31, 1992.
5. Respondent's complete professional employment history is unknown.

6. The Board and Respondent stipulate that the uncontroverted testimony of Jim Blake, Sergeant/Investigation, Department of Public Safety, would show that Respondent while employed with Wichita Falls State Hospital, Wichita Falls, Texas, during a period of time from July 1998 through October 1998, passed the following fraudulent telephonically communicated prescriptions for Stadol:

Date	Prescription	Pharmacy	Physician
7/18/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
7/22/98	Stadol NS 10mg/ml	same	same
7/25/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins
7/28/98	Stadol NS 10mg/ml	same	same
8/01/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
8/04/98	Stadol NS 10mg/ml	same	same
8/05/98	Stadol NS 10mg/ml	same	same
8/09/98	Stadol NS 10mg/ml	same	same
8/12/98	Stadol NS 10mg/ml	same	same
8/14/98	Stadol NS 10mg/ml	same	same
8/19/98	Stadol NS 10mg/ml	same	same
8/21/98	Stadol NS 10mg/ml	same	same
8/25/98	Stadol NS 10mg/ml	same	same
8/26/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins
8/28/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
8/29/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins
8/31/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
9/01/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins
9/02/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
9/03/98	Stadol NS 10mg/ml	same	Hoover
9/04/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins
9/06/98	Stadol NS 10mg/ml	same	same
9/10/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
9/11/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins

Date	Prescription	Pharmacy	Physician
9/14/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
9/15/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins
9/16/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
9/17/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins
9/18/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
9/19/98	Stadol NS 10mg/ml	Albertson's Pharmacy, Wichita Falls, Texas	Mankins
9/21/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	Hoover
9/23/98	Stadol NS 10mg/ml	same	same
9/25/98	Stadol NS 10mg/ml	same	same
9/29/98	Stadol NS 10mg/ml	same	same
10/1/98	Stadol NS 10mg/ml	same	same
10/3/98	Stadol NS 10mg/ml	same	same
10/6/98	Stadol NS 10mg/ml	same	same
10/7/98	Stadol NS 10mg/ml	same	same
10/10/98	Stadol NS 10mg/ml	same	same
10/12/98	Stadol 2mg/ml	same	same
10/12/98	Stadol NS 10mg/ml	same	same
10/14/98	Stadol NS 10mg/ml	same	same
10/16/98	Stadol NS 10mg/ml	Super Value Drug, Graham, Texas	same
10/20/98	Stadol NS 10mg/ml	same	same
10/22/98	Stadol NS 10mg/ml	same	same
10/24/98	Stadol NS 10mg/ml	same	same
10/26/98	Stadol NS 10mg/ml	same	same
10/29/98	Stadol NS 10mg/ml	same	same

Possession of a controlled substance through use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code.

Each action described above constitutes a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEXAS ADMIN. CODE §217.13(1) & (16) and each violation either individually or in combination is sufficient to justify revocation of the license to practice professional nursing in the State of Texas.

9. Formal Charges were filed on September 13, 1999.
10. Formal Charges were mailed to Respondent on September 15, 1999.
11. First Amended Formal Charges were filed on October 18, 1999.
12. First Amended Formal Charges were mailed to Respondent on October 20, 1999.
13. The Respondent's alleged conduct described in the preceding Finding of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1) & (16).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 582507, heretofore issued to CAROLYN LORRAINE GIBBS, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Reprimand with Stipulations, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to Carolyn Lorraine Gibbs, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR FOUR (4) YEARS OF EMPLOYMENT:

(3) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(5) While Respondent is employed with Faith Community Hospital, Jacksboro, Texas, the following stipulations 5(a) through 5(d) apply to the exclusion of stipulations 6(a) through 6(e), but in addition to the other stipulations outlined herein during the pendency of this Order:

(a) RESPONDENT SHALL be directly supervised by a registered nurse who is readily available to provide assistance and intervention. The direct supervisor does not have to be on premises. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse

employment agency, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(b) RESPONDENT SHALL NOT rotate shifts, or accept on-call assignments, or be used for coverage on any unit other than the assigned unit(s) for six (6) months of employment as a professional nurse. For first six (6) months, Respondent may not work more than eight-four (84) hours per two (2) week period.

(c) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for six (6) months of employment as a professional nurse other than the emergency room and telemetry units.

(d) RESPONDENT SHALL NOT administer controlled substances, Nubain, Stadol, Dalgan or other synthetic opiates for six (6) months of employment as a professional nurse. RESPONDENT may have contact with controlled substances, but may not administer same.

(6) If RESPONDENT terminates employment with Faith Community Hospital, Jacksboro, Texas, at any time during the terms of this Order, the following stipulations 6(a) through 6(e) will apply in addition to the other requirements outlined herein, throughout the remainder of the stipulation period under this Order.

(a) For the first six (6) months of employment as a registered nurse under this Order, RESPONDENT SHALL be directly supervised by a registered nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and readily available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. RESPONDENT

SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(b) For the remainder of the stipulation period under this Order, RESPONDENT SHALL be supervised by a registered nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services.

(c) RESPONDENT SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the assigned unit(s) for six (6) months of employment as a professional nurse at any facility other than Faith Community Hospital, Jacksboro, Texas.

(d) RESPONDENT SHALL NOT practice in any critical care area for six (6) months of employment as professional nurse. Critical care areas include, but are not limited to, intensive care unit, emergency room, telemetry, recovery room, and labor and delivery units.

(e) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan or other synthetic opiates for six (6) months of employment with any facility other than Faith Community Hospital, Jacksboro, Texas.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for

four (4) years of employment as a professional nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug

screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(10) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy.

(11) RESPONDENT SHALL attend at least two (2) support group meetings each week for the first six (6) months of stipulations, one of which shall be for substance abuse, one of which shall be for substance abuse. RESPONDENT SHALL attend at least one (1) support group meeting each week for the remainder of the stipulation period. RESPONDENT SHALL provide acceptable evidence of attendance at the support group meetings. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

(12) RESPONDENT SHALL CAUSE her probation officer to submit written reports on forms provided by the Board. The reports shall indicate the RESPONDENT's compliance with the court ordered probation entered as a result of the Order of Deferred Adjudication; Placement on Community Supervision entered on January 5, 2000, in the 90th Judicial District Court of Young County, Texas, Docket No. 07987. The reports SHALL be furnished each and every three (3) month period until RESPONDENT is released from probation.

(13) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted as a result of the Order of Deferred Adjudication; Placement on Community Supervision entered on January 5, 2000, in the 90th Judicial District Court of Young County, Texas, Docket No. 07987, said conviction SHALL result in further disciplinary action by the Board including revocation of Respondent's license to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENTS CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

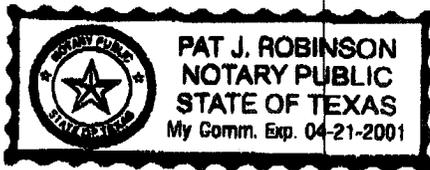
Signed this 27 day of December, 2000.

Carolyn Lorraine Gibbs
CAROLYN LORRAINE GIBBS, Respondent

Sworn to and subscribed before me this 22 day of December, 2000.

SEAL

Pat J. Robinson
Notary Public in and for the State of Texas



Approved as to form and substance.

Rosendo Rodriguez
Rosendo Rodriguez, Attorney for Respondent

Signed this 22 day of December, 2000.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of December, 2000, by CAROLYN LORRAINE GIBBS, License Number 582507, and said Order is final.

Effective this 18th day of January, 2001.



Katherine A. Thomas, MN, RN
Executive Director on behalf of said Board